

ASSEMBLY BILL

No. 2237

Introduced by Assembly Member Monning

February 24, 2012

An act to amend Section 7026.1 of the Business and Professions Code, relating to contractors, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2237, as introduced, Monning. Contractors: definition.

Existing law, the Contractors' State License Law, creates the Contractors' State License Board within the Department of Consumer Affairs and provides for the licensure and regulation of contractors. Existing law defines contractor and includes any person who undertakes, offers to undertake, or submits a bid to construct a building or home improvement project. Existing law requires applicants and licensed contractors to pay specified fees that are deposited into the continuously appropriated Contractors' License Fund. Under existing law, it is a crime for a person to act as a contractor without a license.

This bill would also define contractor to include a person who provides or oversees a bid, arranges for and sets up work schedules, or maintains oversight of a construction project. Because the bill would expand the scope of licensure and thereby increase the fees deposited into the Contractors' License Fund, the bill would make an appropriation. Because this bill would expand the scope of an existing crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7026.1 of the Business and Professions
2 Code is amended to read:

3 7026.1. The term “contractor” includes all of the following:

4 (a) Any person not exempt under Section 7053 who maintains
5 or services air-conditioning, heating, or refrigeration equipment
6 that is a fixed part of the structure to which it is attached.

7 (b) Any person, consultant to an owner-builder, firm,
8 association, organization, partnership, business trust, corporation,
9 or company, who or which undertakes, offers to undertake, purports
10 to have the capacity to undertake, or submits a bid, to construct
11 any building or home improvement project, or part thereof.

12 (c) A temporary labor service agency that, as the employer,
13 provides employees for the performance of work covered by this
14 chapter. The provisions of this subdivision shall not apply if there
15 is a properly licensed contractor who exercises supervision in
16 accordance with Section 7068.1 and who is directly responsible
17 for the final results of the work. Nothing in this subdivision shall
18 require a qualifying individual, as provided in Section 7068, to be
19 present during the supervision of work covered by this chapter. A
20 contractor requesting the services of a temporary labor service
21 agency shall provide his or her license number to that temporary
22 labor service agency.

23 (d) Any person not otherwise exempt by this chapter, who
24 performs tree removal, tree pruning, stump removal, or engages
25 in tree or limb cabling or guying. The term contractor does not
26 include a person performing the activities of a nursery person who
27 in the normal course of routine work performs incidental pruning
28 of trees, or guying of planted trees and their limbs. The term
29 contractor does not include a gardener who in the normal course
30 of routine work performs incidental pruning of trees measuring
31 less than 15 feet in height after planting.

32 (e) Any person engaged in the business of drilling, digging,
33 boring, or otherwise constructing, deepening, repairing,

1 reperforating, or abandoning any water well, cathodic protection
2 well, or monitoring well.

3 *(f) A person, other than a public agency or owner of privately*
4 *owned real property to be improved, who meets any of the*
5 *following criteria:*

6 *(1) Provides or oversees a bid for a construction project.*

7 *(2) Arranges for and sets up work schedules for contractors*
8 *and subcontractors.*

9 *(3) Maintains oversight of a construction project.*

10 SEC. 2. No reimbursement is required by this act pursuant to
11 Section 6 of Article XIII B of the California Constitution because
12 the only costs that may be incurred by a local agency or school
13 district will be incurred because this act creates a new crime or
14 infraction, eliminates a crime or infraction, or changes the penalty
15 for a crime or infraction, within the meaning of Section 17556 of
16 the Government Code, or changes the definition of a crime within
17 the meaning of Section 6 of Article XIII B of the California
18 Constitution.